

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE SEPTEMBER 11 LITIGATION

-----X  
IN RE SEPTEMBER 11 PROPERTY DAMAGE  
AND BUSINESS LOSS LITIGATION  
-----X

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/19/07

: 21 MC 97 (AKH)  
: 21 MC 101 (AKH)

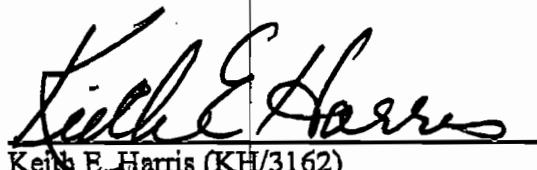
: This document relates to:  
: All cases

**STIPULATION OF DISMISSAL WITHOUT PREJUDICE**

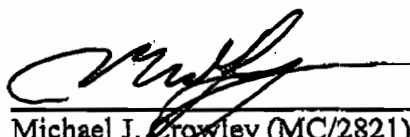
**IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned attorneys of record for the respective parties hereto that the Cross-Claims by the Cross-Claim Plaintiffs, The Port Authority of New York and New Jersey (the "PANYNJ") and additional cross-claim plaintiffs, WTC Retail LLC ("WTCR") and The Port Authority Trans-Hudson Corporation ("PATH") (all three entities collectively referred to as "The Port Authority") contained in the Cross-Claims By The Port Authority Against Certain Defendants In Plaintiffs' Amended Flight 175 Master Liability Complaint, against defendant Delta Air Lines, Inc. i/s/h/a Delta Airlines, Inc. and Delta Express, Inc. (hereinafter "Delta") are hereby dismissed without prejudice and without costs to either party as against the other.

Cross-Claim Plaintiffs, The Port Authority, reserve the right to recommence their Cross-Claims if they learn facts which confirm that any of the statements made in the Affidavit of James Dykes, submitted on behalf of Delta, are untrue. Delta agrees that any such reinstatement of the Cross-Claims will relate back to the date of the original filing and that it will not assert a statute of limitations defense to the refiled claims.

Dated: Garden City, New York  
~~November~~ 18, 2007  
 December 18



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 Jersey, WTC Retail LLC and The Port  
 Authority Trans-Hudson Corporation

*Attorneys for Defendant*  
 Delta Air Lines, Inc.

SO ORDERED:

12-19-07



Alvin K. Hellerstein  
 United States District Judge